REMARKS/ARGUMENTS

Applicant respectfully requests that the Examiner enter the presented amendments prior to the examination of the application. Claims 1, 4, 5, and 7 have been amended. Consideration of the application as amended is respectfully requested. No claims have been added or deleted.

The foregoing amendment and the following arguments are provided to impart precision to the claims by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 112, second paragraph, Rejections

Examiner rejected claims 1-10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended independent claims 1, 5 and 7 by removing the indefinite language from the claims. Applicant respectfully submits that claims 1, 5 and 7, as amended, and claims 2-4, 6 and 8-10, which depend from one of the foregoing independent claims, comply with 35 U.S.C. § 112, second paragraph. Accordingly, Applicant respectfully requests the withdrawal of the rejection.

35 U.S.C. § 102(e) Rejections

Examiner rejected claims 1-3 and 5-9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,145,120 (hereinafter "Highland").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Independent claims 1, 5 and 7 include limitations that are not disclosed or suggested by Highland. In particular, Applicant's independent claims include the limitation, or limitation similar thereto, of coordinating states of a web site, the states including code which effects the display and actions of the web site.

Highland does not teach such limitations. Rather, Highland discloses HTML and JavaScript code which may modify the images and text on the web page. Highland teaches a JavaRule Environment Architecture in which requesting the web page HTML and any related JavaScript code, which could contain embedded JavaRule object and rule specifications, from the Web Server across a network, through a file server at web server. The HTML Interpreter of the Web Browser then interprets the HTML generating displayable images and text on the user's screen. When the HTML contains embedded JavaScript code, this is interpreted by the Web Browsers JavaScript Interpreter to perform various actions including modification of the images and text on the web page. (Highland, col. 8 lines 63 – col. 9 line 9). Thus, Highland fails to disclose coordinating states of the web site as is claimed by Applicant.

Therefore, Highland fails to disclose each element of the independent claims. Accordingly, McCain does not anticipate independent claims 1, 5 and 7 of the present application.

Claims 2, 3, 4, 6, 8 and 9 depend from one of independent claims 1, 5 and 7, and therefore include the novel limitations of the independent claims. Since independent claims 1, 5 and 7 are patentably distinct over Highland, dependent claims 2, 3, 4, 6, 8 and 9 are also patentably distinct over Highland.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 4 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Highland.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claims 4 and 10 include limitations that are not disclosed or suggested by Highland. In particular, Applicant's claims include the limitation, or limitation similar thereto, of the state machine interacting with the states wherein interacting with the states includes receiving indications of success or failure from the states, supplying environmental data to the states and receiving changes to environment data from the states.

Highland does not teach or suggest such limitations. Rather, teaches declarative programming capabilities through procedural programming by functionally providing the selection algorithm of known declarative processing arrangements in explicit conditional constructs. (Highland, Abstract). Moreover, figure 3 in Highland merely depicts a high-level block diagram illustrating operations of the invention. (Highland, col. 3, lines 65-67). Highland describes the operation of the ruleobject function, which sets the timetag of the object to the current time and initializes the type attribute. The ruleobject function then points the object to the basetype and adds the object to the basetype list for that object type. (Highland, col. 9, lines 41-55). Highland makes no mention of a state machine interacting with the states. Since Highland fails to teach each element of

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the above limitations and there is no motivation to modify Highland to include

such limitations, the reference cannot render claims 4 and 10 as obvious.

Accordingly, Applicant respectfully submits that claims 4 and 10 are in condition

for allowance.

CONCLUSION

Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.
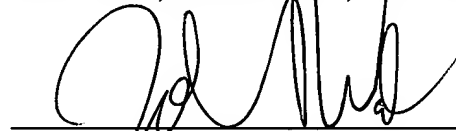
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 1/22/04

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